

Interview Summary	Application No.	Applicant(s)	
	10/612,665	NIELSEN ET AL.	
	Examiner Aditi Dutt	Art Unit 1649	

All participants (applicant, applicant's representative, PTO personnel):

(1) Aditi Dutt, Jeffrey Stucker. (3) Anthony Cerami, Michael Brines, Eileen Falvey.
 (2) Mary Catherine Di Nunzio, Frederick J. Hamble. (4) Laura A. Coruzzi, Tracy J. LaGrassa.

Date of Interview: 06 February 2008.

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: Effects of erythropoietin(EPO), chemically modified EPO, and recombinant EPO muteins on tissue protection and cell viability after tissue injury, ischemia. Receptors for EPO and binding sites required for erythropoietic effect was presented.

Claim(s) discussed: 54-58.

Identification of prior art discussed: Campana et al (Int J Mol Med 1(1): 235-41, 1998), Discussion on whether or not the 17-mer epopeptide AB sequence of the reference constitutes a recombinant cytokine was undertaken.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

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 JEFFREY STUCKER
 SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an
 Attachment to a signed Office action.

AD
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Clarification of 112, 1st para - enablement and written description was sought with respect to non-enablement by any mutoein having the functional activity of protection, rejuvenation and viability of cell. Suggestions to amend the breadth of the claims by providing SEQ ID NOs: that would identify specific sequence regions of EPO that need to be conserved for EPO activity, such that mutations in those sequence regions would destroy the EPO activity, but have tissue protective and restorative effects. This would allow the claims to be more specific and may overcome non-enablement and written description rejections.

Clarification with regards to 102 art rejections were sought. Above suggestions providing specific sequence IDs in the amended claims, would help in limiting the claims and may overcome art rejections.